THE HYDERABAD PUBLIC SERVANTS (TRIBUNAL OF INQUIRY) Act. 1950.

No. XXIII of 1950.

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THE HYDERABAD PUBLIC SERVANTS (TRIBUNAL OF INQUIRY) Act, 1950.

No. XXIII of 1950.

Whereas it is expedient to provide for the constitution of a Tribunal to inquire into allegations of misconduct including corruption, inefficiency or disloyalty to the Government of Hyderabad or to any other Government in India, on the part of public servants;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Hyderabad Public Servants (Tribunal of Inquiry) Act, 1950.

(2) It extends to the whole of the Hyderabad State and shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*a*) "Prescribed" means prescribed by rules made under this Act;

(*b*) "Public Servant" means a person employed in a civil capacity, whether permanently or temporarily in the service of the Hyderabad State;

(*c*) "Tribunal" means the Tribunal constituted under section 3.

Constitution and composition of Tribunal.

3. (1) A Tribunal consisting of one or more members shall be constituted for the purpose of this Act.

(2) Every member of the Tribunal shall be a judicial officer who has been employed as a Sessions Judge in the territory of India for a period of not less than three years.

(3) Every member of the Tribunal shall be appointed by the Chief Minister and shall hold office for such period as he may determine.

References to Tribunal

4. Government may, and in such cases, if any, as may be prescribed, shall refer to the Tribunal for enquiry and report any case involving an allegation of misconduct or inefficiency or disloyalty on the part of a public servant.

Powers of Tribunal.

5. For the purposes of an inquiry into a case referred to it under section 4, the Tribunal shall have the same powers as are vested in a Civil Court under the Hyderabad Code of

Civil Procedure, 1323 F., when trying a suit in respect of the following matters, namely :-

(*a*) enforcing the attendance of any person and examining him on oath;

(*b*) compelling the production of documents;

(*c*) issuing commissions for the examination of witnesses; and every inquiry by the Tribunal shall be deemed to be a judicial proceeding within the meaning of section 169 and 205 of the Hyderabad Penal Code.

Procedure of Tribunal.

6. (1) If the Tribunal consists of more than one member, an inquiry into a case referred to the Tribunal under section 4 shall be held by the members sitting together or by a single member of the Tribunal as the Chairman may direct, and where the members sit together the evidence shall be recorded by such members as the Chairman may direct.

(2) Unless the Chairman otherwise directs, all the proceedings at any such inquiry shall be held in camera and no legal practitioner shall be allowed to appear.

(3) The procedure at any such inquiry shall, subject to sub-sections (1) and (2) be such as may be prescribed.

Special rule of evidence.

7. If a case referred to the Tribunal under section 4 involves an allegation of misconduct in the nature of corruption, evidence may be tendered to prove that the accused public servant or any other person on his behalf, is in possession of pecuniary resources or property disproportionate to his known source of income for which he cannot satisfactorily account, and upon such proof, the Tribunal shall presume, unless the contrary is proved, that the accused person is guilty of misconduct.

Tribunal to report to Government.

8. On the conclusion of an inquiry, the Tribunal shall report its findings to Government and where it finds that public servant, concerned has been guilty of misconduct, inefficiency or disloyalty, shall recommend which of the following penalties shall be imposed upon him, namely :—

(1) Censure;

(2) Withholding of increments or promotion including stoppage at an efficiency bar ;

(3) Reduction to a lower post or time scale or to a lower stage in a time scale ;

(4) Recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders ;

(5) Compulsory retirement before completion of 25 years qualifying service ;

(6) Removal from the service of Government ;

(7) Dismissal from the service of Government ,

9. Government shall consider the report of the Tribunal and pass such orders thereon as it thinks fit: Orders of Government.

Provided that where Government proposes to impose a penalty involving reduction in rank or the penalty of removal or dismissal from service of Government, Government shall give to the public servant concerned a reasonable opportunity of showing cause why the proposed penalty should not be imposed, and shall, before imposing such penalty, consider any cause shown within such period as may be prescribed.

*[10. Omitted.]

11. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or of any rules made thereunder. Protection of action taken under the Act.

12. (1) Government may, by notification in the Jarida, make rules for the purpose of giving effect to the provision of this Act. Rules.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for any matters which are to be, or may be, prescribed.

(3) Rules made under this section shall have effect as if enacted in this Act.

13. The Public Servants (Departmental Inquiry) Regulation 1358 F., save as respects things done thereunder before the commencement of this Act, is hereby repealed: Repeal of Regulation XI of 1358 F.

Provided that any case referred to the Board constituted under the said Regulation and not disposed of before the commencement of this Act may, unless Government transfers the same, as it is hereby empowered to do, to the Tribunal constituted under this Act, be disposed of under the said Regulation as if the same had not been repealed.

* Omitted by Act No. X of 1954, published in Gazette Extraordinary No. 91, dated 21st April, 1954.